



# Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

## PART 2

### PROCEEDINGS

#### *Miscellaneous*

#### 33 Apprehension warrants

After section 297 of the 1995 Act there is inserted—

##### **“297A Re-execution of apprehension warrants**

- (1) This section applies where a person has been apprehended under a warrant (the “original warrant”) granted under this Act in relation to any proceedings.
- (2) If the person absconds, the person may be re-apprehended under the original warrant (and as if that warrant had not been executed to any extent).
- (3) If, for any reason, it is not practicable to bring the person before the court as required under a provision of this Act applying in the case, the person is to be brought before the court as soon as practicable after the relevant reason ceases to prevail.
- (4) Despite subsection (3) above, if—
  - (a) the original warrant was granted in solemn proceedings; and
  - (b) the impracticability arises because the person needs medical treatment or care,the person may be released.
- (5) A person released under subsection (4) above may be re-apprehended under the original warrant (and as if that warrant had not been executed to any extent).

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*Status: This is the original version (as it was originally enacted).*

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- (6) Subsection (3) above does not affect the operation of section 22(1B) of this Act (which relates to liberation on an undertaking of persons apprehended under warrant granted in summary proceedings).
- (7) Nothing in this section prevents a court from granting a fresh warrant for the apprehension of the person.
- (8) Subject to this section are—
- (a) any rule of law as to bringing a person before a court in pursuance of a warrant granted on petition (as referred to in section 34 of this Act);
  - (b) section 102A(10) of this Act;
  - (c) section 135(3) (including as applying in relation to sections 22(1B) and 156) of this Act;
  - (d) section 90A(9) of this Act.”.